

**CITY OF EL PASO, TEXAS**  
**AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM**

**DEPARTMENT:** Planning, Research & Development

**AGENDA DATE:** Introduction: April 12, 2005  
Public Hearing: May 03, 2005

**CONTACT PERSON/PHONE:** Fred Lopez, 541-4925

**DISTRICT(S) AFFECTED:** 7

**SUBJECT:**

An Ordinance changing the zoning of a portion of Lot 4, Block 160, Vista Del Sol Unit 54, El Paso, El Paso County, Texas from P-I (Planned Industrial) to C-3 (Commercial). The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code.  
Applicant: Texas M, LLC. ZON05-00007 (District 7)

**BACKGROUND / DISCUSSION:**

See attached report.

**PRIOR COUNCIL ACTION:**

N/A

**AMOUNT AND SOURCE OF FUNDING:**

N/A

**BOARD / COMMISSION ACTION:**

Development Coordinating Committee (DCC) – Approval Recommendation  
City Plan Commission (CPC) – Approval Recommendation

\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

**LEGAL:** (if required) N/A

**FINANCE:** (if required) N/A

**DEPARTMENT HEAD:** George Sarmiento, AICP

**APPROVED FOR AGENDA:**

**CITY MANAGER:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE CHANGING THE ZONING OF A PORTION OF LOT 4, BLOCK 160, VISTA DEL SOL UNIT 54, EL PASO, EL PASO COUNTY, TEXAS FROM P-I (PLANNED INDUSTRIAL) TO C-3 (COMMERCIAL). THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the zoning of *a portion of Lot 4, Block 160, Vista Del Sol Unit 54, El Paso, El Paso County, Texas*, as more particularly described by metes and bounds in the attached Exhibit "A", be changed **from P-I (Planned Industrial) to C-3 (Commercial)**, within the meaning of the zoning ordinance, and that the zoning map of the City of El Paso be revised accordingly.

**PASSED AND APPROVED** this \_\_\_\_\_ day of June, 2005.

**THE CITY OF EL PASO**

**ATTEST:**

\_\_\_\_\_  
John F. Cook  
Mayor

\_\_\_\_\_  
Richarda Duffy Momsen  
City Clerk

**APPROVED AS TO CONTENT:**

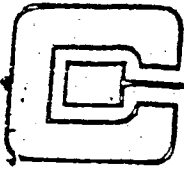
\_\_\_\_\_  
Fred Lopez, Zoning Coordinator  
Planning, Research & Development

**APPROVED AS TO CONTENT:**

\_\_\_\_\_  
Rodolfo Valdez, Chief Urban Planner  
Planning, Research & Development

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Matt Watson, Assistant City Attorney  
Doc No. 10859



CALDERON ENGINEERING

1912 LEE TREVINO - SUITE G-1  
EL PASO, TEXAS 79916  
(915) 591-4459

## EXHIBIT "A"

April 4, 1983

### Property Description

Description of a parcel of land being a portion of Lot 4, Block 160, Vista Del Sol Unit Fifty Four, City of El Paso, El Paso County, Texas and being more particularly described by metes and bounds as follows:

Commencing at a city monument lying on the centerline intersection of Pellicano Drive and Common Drive in Vista Del Sol Unit 31, City of El Paso, Texas; Thence North  $00^{\circ}28'00''$  West along the centerline of Common Drive a distance of 45.58 feet; Thence South  $81^{\circ}17'46''$  East a distance of 139.92 feet to the "Point of Beginning";

Thence North  $00^{\circ}29'24''$  West a distance of 205.0 feet;

Thence South  $81^{\circ}17'46''$  East a distance of 109.50 feet;

Thence South  $00^{\circ}29'24''$  East a distance of 205.0 feet;

Thence North  $81^{\circ}17'46''$  West a distance of 109.50 feet to the "Point of Beginning" and containing in all 22,159.13 square feet or 0.5087 acres of land more or less.

Manuel Calderon, P.E.  
Calderon Engineering

20M05-00007

**JOE WARDY**  
MAYOR

**JOYCE WILSON**  
CITY MANAGER

**GEORGE G. SARMIENTO, AICP**  
DIRECTOR



**PLANNING, RESEARCH &  
DEVELOPMENT DEPARTMENT**

April 05, 2005

***CITY COUNCIL***

**SUSAN AUSTIN**  
DISTRICT NO. 1

**ROBERT A. CUSHING, JR.**  
DISTRICT NO. 2

**JOSE ALEXANDRO LOZANO**  
DISTRICT NO. 3

**JOHN F. COOK**  
DISTRICT NO. 4

**PRESI ORTEGA**  
DISTRICT NO. 5

**PAUL J. ESCOBAR**  
DISTRICT NO. 6

**VIVIAN ROJAS**  
DISTRICT NO. 7

**ANTHONY W. COBOS**  
DISTRICT NO. 8

**TO:** The Honorable Mayor and City Council  
Ms. Joyce A. Wilson

**FROM:** Fred Lopez, Planner II / Zoning Coordinator

**SUBJECT:** ZON05-00007

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The City Plan Commission (CPC), on February 10, 2005, voted **5 - 1** to recommend **APPROVAL** of this rezoning request from P-I (Planned Industrial) to C-3 (Commercial), concurring with Staff's recommendation.

The CPC found that this rezoning is in conformance with The Plan for El Paso; and the proposed use is in conformance with the Year 2025 Projected General Land Use Map. The CPC also determined that this rezoning protects the best interest, health, safety and welfare of the public in general; that the proposed use is compatible with adjacent land uses; and that the proposed rezoning will not have a negative impact upon the natural environment and upon social and economic conditions and property values in the vicinity and in the city as a whole.

There was **OPPOSITION** to this request at the CPC Hearing.

## ***STAFF REPORT***

***Rezoning Case:*** ZON05-00007

***Property Owner(s):*** Texas M, LLC

***Applicant(s):*** Texas M, LLC

***Representative(s):*** Luther Jones

***Legal Description:*** A portion of Lot 4, Block 160, Vista Del Sol Unit 54

***Location:*** Pellicano Drive east of Lee Trevino Drive

***Representative District:*** # 7

***Area:*** 0.51 Acres

***Present Zoning:*** P-I (Planned Industrial)

***Present Use:*** Vacant

***Proposed Zoning:*** C-3 (Commercial)

***Proposed Use:*** Automotive repair garage

***Recognized Neighborhood Associations Contacted:*** Eastside Civic Association

***Surrounding Land Uses:***

<b>North -</b>	C-4 (Commercial), C-4/c (Commercial/conditions) / commercial
<b>South -</b>	C-4 (Commercial) / Sam's Club
<b>East -</b>	P-I (Planned Industrial) / offices
<b>West-</b>	C-2 (Commercial) / retail commercial

***Year 2025 Designation:*** Industrial (East Planning Area)

**CITY PLAN COMMISSION HEARING, March 24, 2005,  
1:30 P.M., CITY COUNCIL CHAMBERS, 2ND FLOOR, CITY HALL**

**Zoning Case: ZON05-00007**

**General Information:**

The applicant is requesting a rezoning from P-I (Planned Industrial) to C-3 (Commercial) in order to permit an automotive repair garage. The property is 0.51 acres in size and is currently vacant. The proposed site plan shows a 4,500 sq. ft. repair center to be located on the site. Access is proposed via Pellicano Drive with 12 parking spaces are provided. There are no zoning conditions currently imposed on this property.

**Information to the Commission:**

- A. The Planning Department has received no calls or letters in support or opposition to this application.
- B. On May 05, 2004, the City Council denied a request to rezone this property from P-I (Planned Industrial) to C-4 (Commercial). The Municipal Code states that no application for a change of zoning for a given property may be submitted within 12 months from the date of action by the CPC or City Council, whichever is later, unless the CPC finds that a substantial change in conditions has occurred. On December 16, 2004, the CPC, by a vote of 4-3, found that a substantial change in conditions had occurred regarding this property.

**Staff Recommendation:**

The Development Coordinating Committee (DCC) unanimously recommends **APPROVAL** of this request for rezoning from P-I (Planned Industrial) to C-3 (Commercial).

The recommendation is based on the following:

**The Plan for El Paso** City-Wide Land Use Goals recommend that El Paso “provide a pattern of commercial and office development which best serves community needs and which complements and serves all other land uses.”

**The Year 2025 Projected General Land Use Map** for the **East** Planning Area designates this property for **Industrial** land uses.

**C-3 (Commercial) zoning** permits an automotive repair garage and **is compatible** with adjacent development.

The Commission must determine the following:

- A. Will the C-3 (Commercial) zoning protect the best interest, health, safety and welfare of the public in general?
- B. Will an automotive repair garage be compatible with adjacent land uses?

**Information To The Applicant:**

Building Permits and Inspections Department Notes:

No comments.

Engineering Department, Development Division Notes:

No comments.

Engineering Department, Traffic Division Notes:

No apparent traffic concerns.

Fire Department Notes:

Zoning change does not adversely affect the Fire Department.

El Paso Water Utilities Notes:

No comments.

Planning, Research & Development Department Notes:

- A. The Year 2025 Projected General Land Use Map for the East Planning Area designates this property for Industrial land uses.
- B. C-3 (Commercial) zoning permits an automotive repair garage and is compatible with adjacent development.

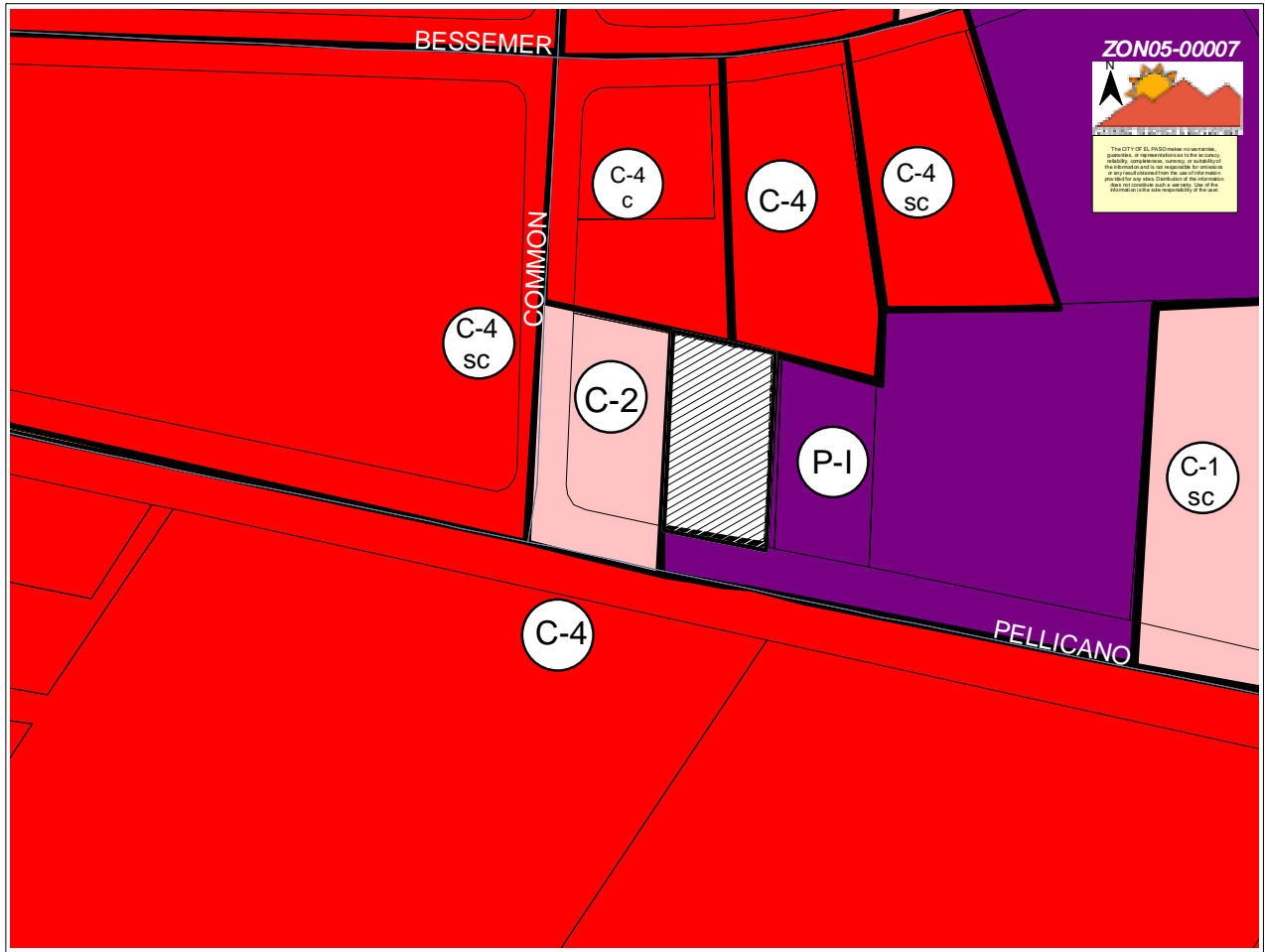
Sun Metro Notes:

There are presently two bus routes servicing this area, Route 56, Pellicano, and Route 67 (North & South on Lee Trevino, Yarbrough/Lee Trevino). This might be an opportunity to increase rider ship in this area.

**ATTACHMENT:** Site Plan.

**NOTE TO THE PROPERTY OWNER:** CITY PLAN COMMISSION POLICY REQUIRES THAT THE APPLICANT OR REPRESENTATIVE BE PRESENT AT THE PUBLIC HEARING FOR THIS ITEM. PLEASE DIRECT ANY QUESTIONS CONCERNING THIS REPORT TO THE PLANNING DEPARTMENT AT (915) 541-4056.

## LOCATION MAP

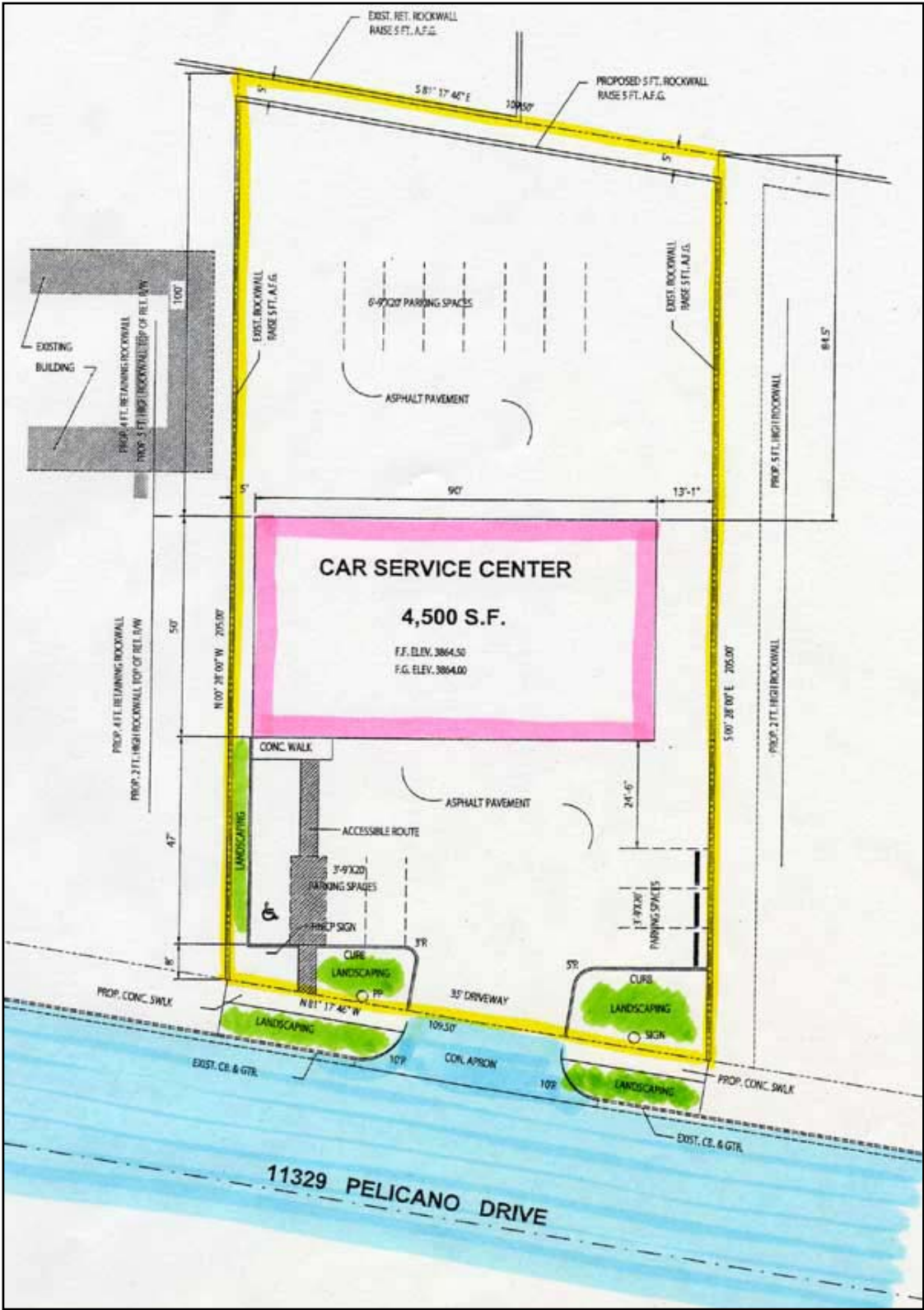




**AERIAL MAPS**



**GENERALIZED PLOT PLAN**



**Protest to Proposed Change in Regulation of Boundary**

CITY CLERK DEPT  
05 MAY -3 AM 8:05

In accordance with TEX. LOCAL GOV'T CODE §211.006(d), Silverman Fonville, Inc., Doyle B. Harden, and Alfonso L. Melendez hereby protest the request by SW Texas M, LLC to change the zoning of a portion of Lot 4, Block 160, Vista Del Sol Unit 54, El Paso, El Paso County, Texas from P-I (Planned Industrial) to C-3 (Commercial) (Zoning Case No. ZON05-00007).

This Protest is signed by the owners of at least 20 percent of either:

- (1) the area of the lots or land covered by the proposed change; or
- (2) the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area.

In support thereof:

a. Silverman Fonville, Inc. would show that it is the owner of the lot immediately adjoining the subject property to the west, commonly known as 11329 Pellicano, and currently occupied by Samuel's Jewelers;

b. Alfonso L. Melendez would show that he is the owner of the lot immediately adjoining the subject property to the east, commonly known as 11335 Pellicano and currently occupied by the law firm of Melendez & Marketto, P.C.

c. Doyle B. Harden would show that he and his wife are the owners of the adjoining property immediately behind the subject property to the North, commonly known as 1430 Bessemer, and currently occupied by The Bread Store.

An aerial map of the affected area is attached as Exhibit 1 and incorporated by reference as if copied herein verbatim.

This Protest may be executed in multiple counterparts, each of which shall be deemed to be an original, and all of which, when taken together, shall constitute one and the same document.

Signed this 2<sup>nd</sup> day of May, 2005.

**SILVERMAN FONVILLE, INC.**

By: \_\_\_\_\_

\_\_\_\_\_  
**DOYLE B. HARDEN**

Its: \_\_\_\_\_

  
**ALFONSO L. MELENDEZ**

**Protest to Proposed Change in Regulation or Boundary**

In accordance with TEX. LOCAL GOV'T CODE §211.006(d), Silverman Fonville, Inc., Doyle B. Harden, and Alfonso L. Melendez hereby protest the request by SW Texas M, LLC to change the zoning of a portion of Lot 4, Block 160, Vista Del Sol Unit 54, El Paso, El Paso County, Texas from P-I (Planned Industrial) to C-3 (Commercial) (Zoning Case No. ZON05-00007).

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Signed this 2 day of May, 2005.

**SILVERMAN FONVILLE, INC.**

By: \_\_\_\_\_

Its: \_\_\_\_\_

  
**DOYLE B. HARDEN**

\_\_\_\_\_  
**ALFONSO L. MELENDEZ**

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Signed this 22 day of May, 2005.

**SILVERMAN FONVILLE, INC.**

By: Doyle B. Harden

Its: President

DOYLE B. HARDEN

ALFONSO L. MELENDEZ